



PTO/SB/ 26 (10-96)

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING  
REJECTION OVER A PRIOR PATENT**Docket No. (Optional)  
11363.0008.DVUS02  
(INNS008--3/KAM)

In re Application of: Stuyver et al.

Application No.: 09/943,983

Filed: August 31, 2001

For: METHOD FOR DETECTION OF DRUG-INDUCED MUTATIONS IN THE REVERSE TRANSCRIPTASE GENE

Petitioner, INNOGENETICS N.V., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 6,087,093 and 6,331,389. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it/they later: expires for failure to pay a maintenance fee, is/are held unenforceable, is/are found invalid by a court of competent jurisdiction, is/are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has/have all claims canceled by a reexamination certificate, is/are reissued, or is/are in any manner terminated prior to the expiration of its/their full statutory term as presently shortened by any terminal disclaimer.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically, the Assignment of the instant application to INNOGENETICS N.V., which has been recorded at Reel 8970/Frame 0962, and certifies that, to the best of his or her knowledge and belief, title of the instant application is in the name of Assignee, INNOGENETICS N.V.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

09/02/2003 SSESHE1 00000087 012508 09943983

01 FC:1814 110.00 DA

22 August 2003

Date

By:

Name: Philippe ARCHINARD

Title: Chief Executive Officer

empowered to act on behalf of INNOGENETICS N.V.

☒ Terminal disclaimer fee under 37 C.F.R. § 1.20(d) included.☒ PTO suggested wording for terminal disclaimer was:☐ unchanged. ☒ changed (if changed, an explanation should be supplied).

Paragraph in bold added for compliance with 37 C.F.R. § 3.73 and wording changed account for citation of second patent

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relating to the enclosed materials, the Commissioner is authorized to deduct said fees from  
Deposit Account No. 01-2508/11362.0008.DVUS02.

Respectfully submitted,



Matthew L. Madsen  
Reg. No. 45,594  
Patent Agent for Assignee  
INNOGENETICS N.V.

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Date: August 27, 2003